

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Darryl Lightbourne

Docket No. 7:00-CR-47-1

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Darryl Lightbourne, who, upon an earlier plea of guilty to Conspiracy to Distribute Cocaine Base in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 13, 2000, to the custody of the Bureau of Prisons for a term of 144 months. On July 29, 2008, the term of imprisonment was reduced to 120 months pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Darryl Lightbourne was released from custody on February 18, 2009, at which time the term of supervised release commenced.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 11, 2010, the court was notified that the defendant was charged with Driving While Impaired (DWI) and Unsafe Passing. The court agreed to continue supervision pending adjudication of the charges in the state court. On June 29, 2011, the defendant pleaded guilty to the DWI charge in New Hanover County District Court and was sentenced to 60 days imprisonment, suspended, one (1) year unsupervised probation, and a \$100 fine. The Unsafe Passing charge was dismissed by the state. Other than the DWI arrest and struggles with paying the fine, the defendant's compliance has been satisfactory. He completed the random drug testing program and subsequent drug tests have been negative. The defendant has maintained stability in his residence. He is currently unemployed after being laid off from a construction job. To address the aforementioned violation, it is recommended the defendant serve a two (2) day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall serve two (2) days in the custody of the Bureau of Prisons as arranged by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. -Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: August 29, 2011

ORDER OF COURT

Considered and ordered this 29th day of August, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge